

**ALEXANDRIA TOWNSHIP COMMITTEE MEETING  
MINUTES  
January 4, 2017**

This meeting was advertised in the Hunterdon County Democrat, notice posted in the Alexandria Township Municipal Offices and the Alexandria Township Website, (www.alexandrianj.gov) as required by the Open Public Meetings Act.

**Meeting Called to order at 7:35 PM.**

**ROLL CALL:**

**PRESENT:** Committeewoman Garay, Committeeman Pfefferle, Mayor Abraham, Attorney Dragan

**ABSENT:** None

**FLAG SALUTE:**

**JANUARY IS RADON ACTION MONTH PROCLAMATION**

Mayor Abraham read the attached Proclamation.

**RESOLUTIONS TO THE FOLLOWING DEDICATED VOLUNTEERS:**

MARY JO TUFARO-PARK/REC COMMISSION

ROBERT RUNGE-PLANNING BOARD

FRAN DALEY-OPEN SPACE COMMISSION

Mayor Abraham read the above resolutions. Copies attached.

**COMMITTEE REPORTS:**

Mayor Abraham noted that moving forward each Township Committee Member will report on the Committee they have been appointed to for oversight at each monthly township meeting.

**PUBLIC COMMENT FOR AGENDA RELATED MATTERS ONLY:**

Resident/Open Space Member Floyd Evans asked if he can receive the Farmland Atty. Report 24-48 hours prior to a meeting. Twp. Atty. Dragan will provide the Farmland Atty. Report 24-48 hours prior to a meeting to the Open Space Commission. Twp. Atty. Dragan noted that three letters were sent out for surveyors for Greffe B-11, L-14/14.01. The Kluber property is expected to close in the next two weeks. No update on the Wilson Property.

## **OLD BUSINESS:**

- PennEast Pipeline:

No Update

- Dog License Fees:

Fees will be increased for dog licenses in 2018. The fees will increase from \$8.00 to \$15.00 for spayed/neutered dogs and from \$11.00 to \$18.00 for non-spayed/non-neutered dogs. The late fee will increase from \$10.00 to \$25.00 per dog and the date in which late fees will begin will change from April 1<sup>st</sup> to February 12<sup>th</sup>.

## **NEW BUSINESS:**

- Resolution 2017-031 Tax Redemption B- 17.02/L-14

Comm. Garay made a motion, seconded by Comm. Pfefferle to approve Resolution 2017-031 and have CFO Hart release the monies immediately.

**ROLL CALL: AYE: Garay, Abraham, Pfefferle**

**NAY: None**

**Motion Carried**

## **RESOLUTION 2017-031 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR TAX REDEMPTION REFUND FOR B-17.02, L-14**

**WHEREAS**, Tax Sale Certificate #2016-002 for Block 17.02 Lot 14, 528 Milford-Frenchtown Rd., Assessed Owner: Opdyke, Deborah J. was sold on 11/18/16; and

**WHEREAS**, certified funds have been received as of 1/4/17 for redemption of said lien;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Alexandria, County of Hunterdon, State of New Jersey, that the Chief Financial Officer be authorized to issue a refund check in the amount of \$5,525.25 to: US Bank Cust PC4 LLC, 50 S. 16<sup>th</sup> St., Suite 2050, Philadelphia PA19102-2513;

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be provided to the Tax Collector and Chief Financial Officer.

- Resolution 2017-032 County Hazard Mitigation Plan

Comm. Garay made a motion, seconded by Comm. Pfefferle to approve Resolution 2017-032.

**ROLL CALL: AYE: Garay, Abraham, Pfefferle**

**NAY: None**

**Motion Carried**

**RESOLUTION 2017-032 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON,  
STATE OF NEW JERSEY FOR A COUNTY HAZARD MITIGATION PLAN**

**WHEREAS** the Township of Alexandria, New Jersey, has experienced natural hazards that result in public safety hazards and damage to private and public property;

**WHEREAS** the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

**WHEREAS** the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan;

**WHEREAS** a *Hazard Mitigation Plan* (HMP) has been developed by the Mitigation Steering and Planning Committees;

**WHEREAS** the *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

**WHEREAS** the draft plan was provided to each participating jurisdiction and was posted on the Hunterdon County website so as to introduce the planning concept and to solicit questions and comments; and to present the HMP and request comments, as required by law, and

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Alexandria:

1. The *Hunterdon County Multi-Jurisdictional Hazard Mitigation Plan*, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on **May 20, 2016** by the Hunterdon County Office of Emergency Management, is hereby adopted as an official plan of the Township of Alexandria; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Township of Alexandria departments identified in the HMP are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the HMP shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Township of Alexandria, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Hunterdon County OEM Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Hunterdon County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

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- Ordinance 2017-001 Creating the Alexandria Township Land Use Board  
**1<sup>st</sup> Reading**

Comm. Garay made a motion, seconded by Comm. Pfefferle to approve Ordinance 2017-001 on 1<sup>st</sup> Reading. **Public Hearing will be on March 8, 2017.**

**Roll Call: Aye: Garay, Abraham, Pfefferle**

**Nay: None**

**Abstain: None**

**Motion Carried**

**TOWNSHIP OF ALEXANDRIA  
COUNTY OF HUNTERDON, STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING CHAPTER 115 OF THE CODE OF THE TOWNSHIP OF  
ALEXANDRIA ENTITLED "LAND USE" AND PROVIDING FOR THE PLANNING BOARD TO  
ASSUME ALL OF THE POWERS, DUTIES AND RESPONSIBILITIES OF THE ALEXANDRIA  
TOWNSHIP BOARD OF ADJUSTMENT AND NAMING THE COMBINED BOARD AS "THE  
ALEXANDRIA TOWNSHIP LAND USE BOARD"**

**Ordinance # 2017-001**

**STATEMENT OF PURPOSE**

The purpose of this Ordinance is to combine the Alexandria Township Planning Board and the Board of Adjustment into one joint board to be known as the "Alexandria Township Land Use Board" by: (a) providing that the Alexandria Township Planning Board shall now assume all of the powers previously exercised by the Alexandria Township Zoning Board of Adjustment, and; (b) abolishing the previously existing separate Alexandria Township Board of Adjustment.

**WHEREAS**, the Township of Alexandria, pursuant to the Municipal Land Use Law, has heretofore established a nine (9) member Planning Board and a seven (7) member Zoning Board of Adjustment; and

**WHEREAS**, the Alexandria Township Planning Board and Alexandria Township Board of Adjustment, by ordinance, have each been endowed with all of the statutory functions pertaining to each Board under the Municipal Land Use Law; and

**WHEREAS**, the provisions of N.J.S.A. 40:55D-25c.(1) provide that in a municipality having a population of 15,000 or less, a nine member Planning Board, if so provided by Ordinance, shall exercise to the same extent and subject to the same restrictions, all of the powers of a Board of Adjustment, but the Class I and Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of N.J.S.A. 40A:55D-70; and

**WHEREAS**, the Township of Alexandria has a population of less than 15,000 as established by the 2010 United States national census; and

**WHEREAS**, the governing body of the Township of Alexandria has determined that it is in the best interests of the Township of Alexandria to have the Planning Board hereafter act as a joint land use board, exercising all of the powers of the Board of Adjustment.

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Township Committee of the Township of Alexandria in the County of Hunterdon, State of New Jersey, as follows

**SECTION 1.** a. As of the effective date of this Ordinance, the powers of the Alexandria Township Planning Board shall, in accordance with N.J.S.A. 40:55D-25c.(1), include those of a Zoning Board of Adjustment, and the Alexandria Township Planning Board shall exercise to the

same extent and subject to the same restrictions, all the powers of a Board of Adjustment under applicable N.J. law.

b. The combined board shall be known as the "Alexandria Township Land Use Board" or "Land Use Board" and all references to the "Planning Board" and/or to the "Board of Adjustment" throughout the provisions of the Code of Alexandria Township shall mean the "Land Use Board" and are amended accordingly.

**SECTION 2.** Provided however, that the Class I and Class III members of the Alexandria Township Land Use Board shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of N.J.S.A. 40A:55D-70.

**SECTION 3.** The following amendments shall be made to Chapter 115 of the Alexandria Township Code entitled "Land Use" (language underlined thus \_\_ represents new language; language in brackets [ ] signifies deletions):

## **Article II. Definitions.**

Sec. 115-4 Terms defined.

**Board of Adjustment.** [The Alexandria Township Board of Adjustment, established pursuant to Section 56 (N.J.S.A. 40:55D-69) of the Act]. Whenever used in this chapter, means the Alexandria Township Land Use Board, established pursuant to N.J.S.A. 40A:55D-25(c)(1).

**Planning Board.** [The Alexandria Township Planning Board, established pursuant to Section 14 (N.J.S.A. 40: 55D-23) of the Act]. Whenever used in this chapter, means the Alexandria Township Land Use Board, established pursuant to N.J.S.A. 40A: 55D-25(c)(1).

## **Article XI. Administration**

Sec. 115-67 Establishment of a [Planning Board] Land Use Board

A. Establishment. The Planning Board heretofore created by the Township of Alexandria is hereby reestablished pursuant to the Municipal Land Use Law as the [Planning Board] Land Use Board for said municipality.

B. Composition. The [Planning] Land Use Board shall consist of nine members who shall be divided into four classes for convenience in designating their manner of appointment, as follows:

(1) Class I: the Mayor or the Mayor's designee in the absence of the Mayor.

(2) Class II: one of the officials of the municipality, other than a member of the Township Committee, to be appointed by the Mayor. [provided that if there be an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board, as required by P.L. 1976, c. 245 (N.J.S.A. 40:56A-1), shall be deemed to be the Class II Planning Board member for purposes of this act in the event that there be among the Class IV members of the Planning Board both a member of the Board of

Adjustment and a member of the Board of Education].

(3) Class III: a member of the Township Committee, to be appointed by it [if the Township Committee is increased to more than three members].

(4) Class IV: six other citizens of the municipality [or seven if Class III is not appointed] to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, except that one such member [may be a member of the Board of Adjustment and one member] may be a member of the Board of Education. [If there be an Environmental Commission, the] A member of the Environmental Commission who is also a member of the [Planning] Land Use Board, as required by P.L. 1976, c.245 (N.J.S.A. 40:56A-1), shall be a Class IV [Planning] Land Use Board Member, unless there be among the Class IV members of the [Planning] Land Use Board both a member of the [Board of Adjustment] Historic Preservation Commission and a member of the Board of Education, in which case the member common to the [Planning] Land Use Board and Environmental Commission shall be deemed a Class II member of the [Planning] Land Use Board.

C. Terms of office; vacancies. The term of the member composing Class I shall correspond to his or her official tenure or, if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure. The terms of the member composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office whichever occurs first [except for a Class II member who is also a member of the Environmental Commission]. The term of a [Class II or] Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his or her term of office as a member of the Environmental Commission, whichever comes first. The term of a Class IV member who is also a member of the [Board of Adjustment or] Board of Education shall terminate whenever her or she is no longer a member of such [other] body or at the completion of his or her Class [III] IV term, whichever occurs first. The terms of the Class IV members first appointed under this article shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointment, provided that the initial Class IV term of no member shall exceed four years. Thereafter, the Class IV term of each member shall be four years. If a vacancy in any class shall occur otherwise than by expiration of the [Planning] Land Use Board term, it shall be filled by appointment as above provided, for the unexpired term. No member of the [Planning] Land Use Board shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest. Any member other than a Class I member, after a public hearing, if he or she requests one, may be removed by the Township Committee for cause.

D. Alternate members.

(1) [There shall be one alternate member in Class II, one in Class III and two in Class IV. Alternate members of Classes II and III shall be appointed for terms to expire at the same time as the terms of regular members of their respective classes. Alternate members of Class IV shall serve for terms of two years; provided, however, that the initial terms of the alternate members of Class IV shall be one and two years respectively. Such alternate members shall be designated by the Chairperson as "Alternate No. 1" and "Alternate No. 2" and shall serve in rotation during the absence or disqualification of any regular member or members of Class IV. Alternate

members of each class shall be appointed by the same appointing authority as regular members of that class.] Up to four alternate members shall be appointed to the Land Use Board by the Mayor for Class IV members, and said members shall meet the qualifications of Class IV members as provided in this chapter. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No.1", "Alternate No. 2" "Alternate No. 3" and "Alternate No.4". The terms of the alternate members shall be for two years and their expiration dates shall be staggered such that two alternate members can be appointed each year. A vacancy occurring otherwise than by expiration of the term shall be filled by the appointing authority for the unexpired term only.

(2) No alternate member shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he or she requests one, be removed by the Township Committee for cause.

(3) Alternate members may participate in discussions of the proceedings, but may not vote, except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

E. Absence of member from hearing.

When any hearing before the [Planning] Land Use Board shall carry over two or more meetings, a member of the [Planning] Land Use Board who was absent for one or more of the meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his or her absence from one or more of the meetings; provided, however, that such Board member has available to him or her a transcript or recording of the meeting and certified in writing that the transcript was read or recording listened to.

[F. If the Planning Board lacks a quorum because any of its regular or alternate members is prohibited by Subsection b of Section 14 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-23) or Section 13 of P.L. 1979, c.216 (N.J.S.A. 40:55D-23.1) from action on a matter due to the member's personal or financial interests therein, regular members of the Board of Adjustment shall be called on to serve, for that matter only, as temporary members of the Planning Board in order of seniority of continuous service to the Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the Chairperson of the Board of Adjustment shall make the choice.]

F. [G.] Service without compensation. Members of the [Planning] Land Use Board shall serve without salary but may be paid expenses incurred in the performance of duties.

G. [H.] Conflict of interest. No member shall be permitted to act on any matter in which he or she has, directly or indirectly, any personal or financial interest.

H. [I.] Officers. The [Planning] Land Use Board shall elect a Chairperson and a Vice Chairperson from the members of Class IV. Their terms of office shall each be one year, and they shall be eligible for re-election. The Board shall also select a Secretary, who may but need not be a member of the Board, and it may create and fill such other offices as it shall determine.



I. [J.] [Planning] Land Use Board Attorney; other staff and consultants. The office of [Planning] Land Use Board Attorney is hereby created. The [Planning] Land Use Board may annually appoint to such office and fix the compensation or rate of compensation of an attorney at law of New Jersey other than the Attorney for the municipality. The [Planning] Land Use Board may also employ or contract for and fix the compensation of such experts and other staff and services as it deems necessary. Obligations for the foregoing shall not exceed, exclusive of gifts or grants, the amounts agreed upon and appropriated for the Board's use.

J. [K] Powers of the [Planning] Land Use Board.

(1) The [Planning] Land Use Board shall have the power to:

(a) Prepare and adopt a master plan for the physical, economic and social development of the municipality and amend or revise the same from time to time.

(b) Participate in the preparation and review of programs or plans required by state or federal law or regulation.

(c) Assemble data on a continuing basis as part of a continuous planning process.

(d) Perform such other advisory duties as are assigned to it by ordinance or resolution of the Township Committee for the aid and assistance of the Township Committee or other agencies or officers.

(e) To administer the provisions of Chapter 115, the Land Use Code of the Township of Alexandria, including subdivision and site plan review and to approve applications for conditional uses pursuant to N.J.S.A. 40:55D-67.

[(2) Whenever the proposed development requires approval of a subdivision, site plan or conditional use, but not a use variance, the Planning Board, in lieu of the Board of Adjustment and to the same extent and subject to the same restrictions as such Board, shall receive, review and act upon applications for hardship variances and applications for special permits. The developer may elect to submit a separate application requesting approval of the hardship variance or special permit and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the hardship variance or special permit shall be conditioned upon grant of all required subsequent approvals by the Planning Board. No such subsequent approval shall be granted unless it is without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and the zoning provisions of this chapter.]

(2) Whenever the proposed development requires approval of a subdivision, site plan or conditional use, the Land Use Board shall have the power to hear and grant:

(a) Variances pursuant to Subsection 57c of c. 291 P.L. 1975 from lot area, lot dimensional setback, and yard requirements, provided that such relief from lot area requirements shall not be granted for more than one lot.

(b) Direction pursuant to Section 25 of said Act for issuance of a permit for building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved pursuant to Section 23 of said Act.

(c) Direction pursuant to Section 27 of said Act for issuance of a permit for a building or structure not related to a street. Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit as the case may be.

(3) The Land Use Board shall exercise all the powers set forth in N.J.S.A. 40:55D-69 et seq., granted to a Zoning Board of Adjustment, including the following:

(a) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by any municipal official based on or made in enforcement of the zoning provisions of this chapter.

(b) Hear and decide requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such Board is authorized to pass by any zoning or official map ordinance.

(c) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship.

(d) Where, in an application or appeal relating to a specific piece of property, the purposes of this chapter, set forth in Article I and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), would be advanced by deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow the departure from zoning regulations.

(e) Grant a variance to allow departure from zoning regulations, including but not limited to allowing a structure or use in a district restricted against such structure or use, in particular cases and for special reasons to permit:

(i) A use or principal structure in a district restricted against such use or principal structure.

(ii) An expansion of a nonconforming use.

(iii) Deviation from a specification or standard pertaining solely to a conditional use.

(iv) An increase in the permitted floor area ratio as defined in Article II, Definitions.

(v) An increase in the permitted density as defined in Article II, Definitions, except as applied to the required lot area for a lot or lots for detached one- and two-dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision. A variance under this subsection shall be granted only by the affirmative vote of at least five members.

Proofs Required. No variance or other relief may be granted under the terms of this sub-section (3) unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and this chapter.

K. Appeals from administrative decisions; direct application in lieu of appeals.

(1) Appeals to the Land Use Board may be taken by any interested party affected by any decision of an administrative officer of the municipality based on or made in the enforcement of this chapter or the Official Map. Such appeal shall be taken within 20 days by filing a notice of appeal with the officer from whom the appeal is taken, specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(2) A developer may file an application for development with the Land Use Board for action under any of its powers without prior application to an administrative officer.

L. Stay of proceedings appeal. An appeal to the Land Use Board shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the officer from whose action the appeal is taken certifies to the Land Use Board, after the notice of appeal shall have been filed with him or her, that by reason of acts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the officer from whom the appeal is taken and on due cause shown.

M. Decision on appeal. The Land Use Board may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all the powers of the administrative officer from whom the appeal is taken.

N [L]Exclusivity of powers. No power expressly authorized by this chapter to be exercised by the [Planning] Land Use Board shall be exercised by any other body except as otherwise provided in this order.

**SECTION 4.** Section 115-68 entitled "Establishment of the Board of Adjustment" and be deleted in its entirety.

**SECTION 5.** All sections of the all prior Ordinances of the Land Use section of the Alexandria Township Code or any other Township ordinance, or parts thereof, inconsistent with this Ordinance including but not limited to any prior ordinance creating the Alexandria Township Board of Adjustment, as hereby repealed to the extent of such inconsistency, and the Alexandria Township Board of Adjustment is hereby abolished.

**SECTION 6.** If the provision of any article, section, subsection, paragraph, subdivision or

clause of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such order or judgment shall not affect, impair or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

**SECTION 7.** This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

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- Ordinance 2017-002 Development Easement for B-11, L-16

Comm. Garay made a motion, seconded by Comm. Pfefferle to approve Ordinance 2017-002 on 1<sup>st</sup> Reading. **Public Hearing will be on February 8, 2017.**

**Roll Call: Aye: Garay, Abraham, Pfefferle**

**Nay: None**

**Abstain: None**

**Motion Carried**

***AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN AGRICULTURAL DEVELOPMENT RIGHTS EASEMENT ON PROPERTY KNOWN AS BLOCK 11 , LOT 16 TO THE COUNTY OF HUNTERDON FOR FARMLAND PRESERVATION***

***Ordinance # 2017-002***

WHEREAS, the Township of Alexandria ("Township"), owns property known as Block 11, Lot 16 in the Township of Alexandria , consisting of approximately 82.491+/- acres along Mt. Salem Road, (hereinafter "Property") which was purchased with the intention of preserving it for farmland purposes and enrolling it in the appropriate Hunterdon County Agricultural Development program; and

WHEREAS, the property qualified for enrollment in the Hunterdon County Agricultural Development Municipal Planning Incentive Grant Program (FY2017) and the Township received a contract from the County of Hunterdon to purchase an agricultural development rights easement from the Township on 80.491+/- acres of the Property (after subtraction of a 2-acre exception area) , together with a Restrictive Covenant pertaining to mowing/maintenance rights at a purchase price of \$5,137.63 per acre, for an estimated total of \$413,579.22 , subject to adjustment for the required Municipal contribution and survey/right-of-way adjustments; and

WHEREAS, the sale of the Easement and restrictive covenant to the County of Hunterdon for farmland preservation purposes will result in preservation of the property for the same goals and purposes as purchased by the Township so that it is not necessary for the Township to hold title to the easement on behalf of the public; said sale shall further result in funding to the Township which can be used, in turn, to acquire other easements and property for farmland preservation purposes; and

WHEREAS the conveyance of the Easement and restrictive covenants to the County of Hunterdon under the Agriculture Development and Retention Act and County of Hunterdon Agricultural Development Grant Program will result in the preservation of the properties for agricultural purposes by the Township under its farmland preservation program; and

WHEREAS, the Township is permitted to sell the Easement under N.J.S.A. 40A:12-13, et seq; N.J.S.A. 4:1C-11 et seq., 4:1C-34, 4:1C-43.1 and any other applicable law.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Alexandria, County of Hunterdon and State of New Jersey, as follows:

Section 1. The Township of Alexandria shall convey to the County of Hunterdon a Development Rights Easement and a Restrictive Covenant pertaining to mowing rights on Block 11, Lot 16 in the Township of Alexandria, County of Hunterdon and State of New Jersey, which easement shall pertain to approximately 80.491+/- acres of the Property for the price of \$5,137.63 per acre (an approximate total price of \$413,579.22) subject to adjustments for the State and Municipal cost share, survey adjustments or any other adjustments required by the Agriculture Development and Retention Act and regulations pertinent thereto, in accordance with the contract on file with the Township Clerk.

Section 2. On behalf of the Township Committee of the Township of Alexandria, the Mayor, Deputy Mayor, Township Administrator/Clerk and Township Attorney, as appropriate, are authorized to prepare and sign any and all documentation necessary to effectuate the sale of the Agricultural Development Rights Easement to the County of Hunterdon, including, but not limited to a Deed of Easement, a Restrictive Covenant regarding mowing, together with any other documents required by the County.

Section 3. Severability.

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 4. Effective Date.

This ordinance shall take effect immediately upon final adoption and publication according to law.

#### **ENGINEER'S REPORT:**

Township Engineer Chris Kastrud was present for the Township Committee meeting. The Township Committee advised Mr. Kastrud that moving forward the Township Committee would like to receive a monthly report and for him to attend a Township Meeting at least once every quarter. The Township Committee will be staying with Mott MacDonald's Jamie Snook as the Township's LSRP for the DPW.

#### **APPROVAL OF MINUTES:**

- December 14, 2016 Twp. Committee Meeting
- December 14, 2016 Executive Meeting

Comm. Garay made a motion, seconded by Comm. Pfefferle to approve the above Township Meeting Minutes and Executive Session Meeting Minutes.

**Roll Call: Aye: Garay, Abraham, Pfefferle**

**Nay: None**

**Abstain: None**

**Motion Carried**

#### **PUBLIC COMMENT ON GENERAL MATTERS:**

Township Resident Frank Hahola asked the Township Committee about their future plans with the Diocese of Metuchen property that was purchased last year. The Township Committee is moving forward with farm preservation of the property and then the property will be sold at auction. Twp. Atty. Dragan will look into the existing farming contract between the Township and Mr. Hahola to determine if it is still valid.

#### **CORRESPONDENCE:**

None

Comm. Pfefferle made a motion, seconded by Comm. Garay to move to Executive Session.

**Roll Call: Aye: Garay, Abraham, Pfefferle**

**Nay: None**

**Abstain: None**

**Motion Carried**

#### **Open Public Meetings Act RESOLUTION- Executive Session**

**WHEREAS**, N.J.S.A. 2:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist:

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Alexandria, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

\_\_\_\_\_ A confidential or excluded matter under Federal or State Law or Court Rule.

\_\_\_\_\_ A matter involving information that may impair the Township's rights to receive funds from the United States Government.

\_\_\_\_\_ A matter constituting an unwarranted invasion of an individual's privacy rights.

\_\_\_\_\_ Collective Bargaining Agreement or negotiation of the Agreement.

  X   Matters involving the purchase, lease or acquisition of real property with public funds which it could adversely affect the public interest if discussion were disclosed.

**Mt. Laurel Housing**

\_\_\_\_\_ Tactics and techniques to protect the safety and property of the public, including investigations of violations or potential violations of the law.

  X   Pending or anticipated litigation or contract negotiations in which the public body is or may become a party.

**EMS/Fire Coverage**

**Delaware River Tubing**

\_\_\_\_\_ Matters falling within the attorney-client privilege.

**Latter House of Glory**

**NJ Clown Farm**

**Sterling Brook**

**Kiser Extension Agreement**

**Hahola Development Paving**

\_\_\_\_\_ Personnel matters involving a specific employee or officer of the Township.  
Township Committee Meetings

\_\_\_\_\_ Deliberations of the Township occurring after a public hearing that may result in the imposition of a specific penalty or suspension or loss of a license or permit.

3. It is anticipated at this time that the above matter will be made public: at the conclusion of the litigation and at such time as attorney client confidentiality is no longer needed to protect confidentiality and litigation strategy.
4. The executive session minutes will be placed on file in the township clerk's office, and will be available to the public as provided for by New Jersey law.
5. This Resolution shall take effect immediately.

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Comm. Garay made a motion, seconded by Comm. Pfefferle to return to Public Session.

**Roll Call: Aye: Garay, Abraham, Pfefferle**

**Nay: None**

**Abstain: None**

**Motion Carried**

## **EXECUTIVE SESSION:**

The following matters were discussed in Executive Session:

- **Contract Negotiations/EMS/Fire Department Coverage:**

Matter to Stay in Executive Session

- **Litigation/Mt. Laurel Housing:**

On-Going

- **Litigations/Delaware River Tubing:**

Matter to Stay in Executive Session

- **Contract Negotiations/6<sup>th</sup> Amendment of Performance for Kiser:**

No Update

- **Attorney-Client Privilege/Hahola Development Paving:**

No Update

- **Attorney-Client Privilege/Latter House of Glory:**

No Update

- **Attorney-Client Privilege/Sterling Brook Farm:**

Comm. Pfefferle will continue discussions with the Planning Board and Township Planner about the creation of a special events ordinance.

- **Attorney-Client Privilege/NJ Clown Farm:**

No Update

## **MOTION TO ADJOURN**

Comm. Garay made a motion, seconded by Comm. Pfefferle to adjourn.

**Roll Call: Aye: Garay, Abraham, Pfefferle**

**Nay: None**

**Abstain: None**

**Motion Carried**

**Meeting Adjourned at 9:06 PM.**

**Respectfully Submitted:**

**Michele Bobrowski, RMC**

**Township Clerk**



I hereby certify that I have reviewed these Minutes of the Township Committee Meeting of January 4, 2017 and certify that said Minutes were approved unanimously by the Township Committee on the 8th day of February 2017.

\_\_\_\_\_  
Paul Abraham, Mayor

Dated: \_\_\_\_\_